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**DECISION**



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**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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FILE: B-206124

DATE: March 15, 1982

MATTER OF: Electronics Methods Associates, Inc.

**DIGEST:**

GAO will not consider protest concerning procurement actions of Department of Housing and Urban Development (HUD) in connection with property responsibilities under National Housing Act, 12 U.S.C. §§ 1701, et seq., in view of broad statutory authority of HUD to make expenditures in connection with those responsibilities.

Electronic Methods Associates, Inc. protests the award of a contract for the installation of smoke detection systems under invitation for bids No. 002-82 issued by the Department of Housing and Urban Development (HUD). Electronics complains that the solicitation's requirements "would result in the installation of [substandard units]" which would not meet various standards of fire safety.

While it was not ascertainable from the protester's initial submission, we have been informed that the procurement was conducted under the authority of the National Housing Act, 12 U.S.C. §§ 1701, et seq. (1976). Section 1702 of 12 U.S.C. authorizes the Secretary of HUD to make such expenditures as are necessary to carry out the maintenance or improvement of property without regard to any other provision of law governing the expenditure of public funds and to sue and be sued in any court of competent jurisdiction.

In view of this extraordinary authority granted the Secretary, we have held that we would have no legal basis to question the Secretary's expenditure of funds under that provision. Regal Realty, B-193713, February 13, 1979, 79-1 CPD 103. Accordingly, we must decline to consider the protest.

B-206124

2

The protest is dismissed.

*Harry R. Van Cleve*  
Harry R. Van Cleve  
Acting General Counsel